IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO. 2558 OF 2006.

Shree Ganesh Co-operative Housing Society (Proposed) and Others ..Petitioners.
V/s
State of Maharashtra and others ..Respondents.

Mr. Vipin Kamdi for petitioner.

Mr. P.P Kakade,AGP for respondent Nos. 1 and 2.

Mr. P.K. Dhakephalkar with Mr. G.A. Utangale i/b Mr. Girish Godbole for respondent Nos.4 and 5.

CORAM : B.H. MARLAPALLE &
J.H. BHATIA, JJ.

DATE : 11TH DECEMBER, 2006.

ORDER (PER J.H. BHATIA, J.)

. The petitioner No.1 is the proposed Cooperative Housing Society of residents of plot of land bearing City Survey Nos.38,38/1 to 3, 40, 40/1 and 73 to 129 and Nalaland of Village Ville Parle, Taluka Andheri Koldongri, Sahar Road, Andheri (E). All these residents were residing there since prior to 1/1/1995 and they are eligible for rehabilitation under the Slum Rehabilitation Scheme, as per the policy of the

Government of Maharashtra. Petitioner Nos. 2 and 3 are the members of the petitioner No.1, Society and the petitioner No.3 is also holding power of attorney of 25 such members residing on that land. The petitioners submitted an application/proposal to respondent No.3, Slum Rehabilitation Authority as per Appendix "IV". 70% or more eligible hutment dwellers are members of the petitioner no.1-society and the petitioner No.2 was elected as Chief Promoter in the General Meeting of said residents and the said proposed society is named as "Shree Ganesh SRA Co-operative Housing Society (Proposed)". An application was made for reservation of name of the society to the respondent No.3. An application was also made to the respondent No.2 for allotment of land in the name of the petitioner No.1 to enable them to complete the scheme under the Slum Rehabilitation Scheme. Respondent No.4 also claimed to be a Society of the slum dwellers and submitted consent letter in favour of respondent no.5 to respondent no.3. Without proper consideration of the request of the petitioner and their objections, respondent no.2 issued Annexure II in favour of respondent nos.4 and 5. Therefore, in the first round of litigation the petitioner had filed Writ Petition No. 6484/2005 which

was disposed of on 25/10/2005 with a direction to the Chief Executive Officer, Slum Rehabilitation Authority to consider the objections raised by the petitioner-society. Accordingly the Chief Executive Officer heard the concerned parties and passed an order dated 27th February, 2006 rejecting the prayer of the petitioners and allowed respondent No.4 to continue the development through its developer M/s Global Buildcom Pvt. Ltd., who is respondent No.5. Being unsatisfied with the said decision, the petitioners have filed this petition for several prayers but basic prayer is that Letter of Intent or Annexure II issued in favour of the respondent No.4 be treated as null and void.

2. Respondent No.4 has filed affidavit-in-reply. Several documents are placed on record. We have carefully gone through the order dated 27th February 2006 passed by respondent No.3. We are satisfied that respondent No.3 had given proper hearing to the rival parties and it appears that the consent of more than 70% slum dwellers was obtained through the respondent No.5 and those persons had initially constituted and formed "Balaji Cooperative Housing Society (proposed) and had submitted a proposal through respondent no.5-M/s Global

Buildcom Pvt. Ltd and also obtained annexure II for development in Slum Rehabilitation Scheme. Later on to avoid duplication of name, the Assistant Registrar SRA had assigned the name as "Shri Tirupati Balaji Co-operative Housing (Proposed)" to respondent No.4. One Abdul Sattar Haji Usman had also claimed ownership right on the land by filing Appeal No.20/2003 which was dismissed by the Maharashtra Slum Tribunal, Mumbai by order dated 17/2/2004. His writ petition also came to be dismissed by order dated 7/3/2005. In view of the directions given by the High Court in Writ Petition No. 6484 of 2005, after hearing the contentions of the petitioners were rejected mainly on the ground that more than 70% of the eligible slum dwellers had given consent in favour of the respondent Nos. 4 and 5. Only small number of the eligible slum dwellers may be with the petitioner. Taking into consideration the reasons given by the SRA in the said order, we do not find any illegality or irregularity in the order passed by the respondent No.3 in granting Letter of Intent in favour of respondent No.4 and 5. There is no substance or merit in the present petition.

3. For the aforesaid reasons, the petition stands

rejected summarily.

(J.H. BHATIA, J.) **(B.H. MARLAPALLE, J.)**